

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JAROSLAW WASKOWSKI,

Plaintiff,

v

Macomb County Circuit Court
Case No. 10-106869-NI

U.S. District Court Case No. 11-cv-13036

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant.

Lee Roy H. Temrowski, Jr. P-31967
Attorney for Plaintiff
45109 Van Dyke Ave.
Utica, MI 48317
(586) 254-5566

HEWSON & VAN HELLEMONT, P.C.
Mr. Michael J. Jolet
Attorney at Law
25900 Greenfield Road, Suite 326
Oak Park, MI 48237
(248) 968-5200

/

/

**PLAINTIFF'S MOTION IN LIMINIE TO STRIKE AND EXCLUDE
THE DEPOSITION TESTIMONY OF DR. QUINT**

NOW COMES the above named Plaintiff, JAROSLAW WASKOWSKI, by and through his attorney, Lee Roy H. Temrowski, Jr., and for his Motion in Liminie to Strike and Exclude the Deposition Testimony of Dr. Quint, states as follows:

1. Defendant took the trial deposition of Dr. Quint on November 13, 2012.
2. Dr. Quint testified that he “**reviewed**” imaging studies only that were performed on Plaintiff, Waskowski.
3. Dr. Quint testified that he “**never**” performed a physical examination upon Plaintiff, Waskowski.

4. On cross-examination Plaintiff asked Dr. Quint this question: "**Doctor, are you giving this jury any medical opinion as to whether or not Mr. Waskowski was injured in the automobile accident of December 23, 2009?**" Dr. Quint's answer to that question was "**NO I AM NOT.**"

5. At trial this jury will be asked a question on the jury verdict form that states "**Did the Plaintiff sustain an accident bodily injury?**"

6. Since Dr. Quint has testified under oath at his deposition that he only "reviewed" imaging studies on Plaintiff and since he emphatically testified that he is not giving this jury an opinion as to whether or not Plaintiff was injured in the automobile collision, Dr. Quint's testimony should be stricken and excluded.

7. Dr. Quint's testimony adds nothing to this case and certainly does not provide this jury with evidence of any kind that they should take into consideration when deciding this case.

8. Dr. Quint's deposition should be stricken and excluded.

WHEREFORE, the Plaintiff, JAROSLAW WASKOWSKI, prays that this Honorable Court strike and exclude the deposition testimony of Dr. Quint.

Respectfully submitted,

/s/ Lee Roy H. Temrowski, Jr.

Lee Roy H. Temrowski, Jr.
Attorney for Plaintiff

Proof of Service

I served this document by mailing it to the attorneys of record in this case (shown on the caption) on November 20, 2012.

I declare that the statements above are true to the best of my knowledge, information and belief.

/s/ Sheri Pregano